

GROUND FISH MANAGEMENT TEAM REPORT ON COUNCIL OPERATING PROCEDURE 19: EXEMPTED FISHING PERMITS

The Groundfish Management Team (GMT) has previously requested ([Agenda Item G.2.a, Supplemental GMT Report, March 2016](#), [Agenda Item G.3.a, Supplemental REVISED GMT Report, June 2016](#), [Agenda Item E.2.a, Supplemental GMT Report 1, June 2018](#)), and again requests, that the Pacific Fishery Management Council (Council) develop guidance on how to evaluate the success of exempted fishing permits (EFPs).

EFP Approval Timeline

The GMT requests that the biennial timeline for EFP approval be adjusted. Currently EFP applications are accepted, reviewed, and preliminarily adopted at the November odd-year meeting and finalized at the June even-year meeting. This timeline can lead to modifications of requested set-asides as late as the June even-year meeting, when management measures are also being finalized. Changes to set-asides that late in the process can lead to downstream issues in the analysis of season structures and management measures, depending on the species and magnitude of the change. To mitigate this, **the GMT recommends that Council Operating Procedure-19 be modified such that EFPs receive final approval at the April even-year Council meeting.** Finalizing EFP set-asides in April, rather than June, will help ensure the biennial harvest specifications and management measures analysis is completed on time.

Renewing EFPs

The Council should consider the degree to which additional data collection from renewed EFPs can further inform management. The current EFP participants are largely experimenting with gear-types that would reduce bycatch of yelloweye rockfish, a stock which is not as great a concern now as in the past two decades, and therefore the EFPs may attract fewer participants. Changes in the fishery resulting from rebuilding of previously overfished rockfish species, such as increasing trip limits and decreasing footprints of closed areas, may provide greater economic opportunity, without the management and monitoring requirements of EFPs. Because renewing EFPs is a substantial workload for agencies, advisory bodies, and the Council, potential benefits to renewal should be sufficient to outweigh previously prioritized work on other management projects.

The Council may wish to consider sea days as a metric of industry interest in the potential new fishery. For example, days of fishing in recent EFPs based on coverage by the West Coast Groundfish Observer Program (WCGOP; Table 1), could gauge potential interest and benefits from the proposed fishing method. EFPs that do not have more than a certain number of participants, or sea days, may be unlikely to provide enough benefits to the fishery to justify Council and agency workload.

Table 1. Summary of the days at sea in EFP programs, based on observer coverage.

EFP	Days at Sea, based on Observer Coverage							
	2013	2014	2015	2016	2017	2018	2019	2020*
CA Emley-Platt SFCFA	6	9	3	3	31	77	32	8
CA Fosmark		2						
CA Real Good Fish Monterey Bay							3	5
OR Cook Midwater H&L							2	
Total	6	11	3	3	31	77	37	13

*Data through June 10, 2020

EFP terms and conditions include a clause for the “Public Release of Information: The fishing activities carried out under this permit, which are otherwise prohibited, are for the purpose of collecting catch information. The EFP holder(s) agree to the public release of any and all information obtained as a result of activities conducted under this permit”. In practice, these data are only reported publicly by managers when the general Magnuson-Stevens Act confidentiality criteria are met. Therefore, at a minimum, the Council may wish to consider requiring at least three participating vessels each take one trip with landed catch for an EFP to be eligible for renewal.

Observer Coverage

Mandatory 100 percent monitoring is necessary to ensure that the fishing activity under an EFP can be appropriately analyzed and accounted for. Historically, all EFP trips have been monitored by at-sea observers. In recent years, the WCGOP collaborated with some EFP participants to provide at-sea observer coverage with the hopes of testing electronic monitoring on small vessels. This appears to have led to the belief that WCGOP observer coverage is guaranteed for every trip in all EFPs, which is not the case. Despite considerable outreach, some applicants continue to believe that WCGOP is obligated to fill the monitoring requirements for all EFP trips, causing considerable behind the scenes workload disruptions for WCGOP, National Marine Fisheries Service (NMFS), and state agency staff. The WCGOP recognizes that the high price (~\$500 per day for an observer) of filling the monitoring requirement can make participation in an EFP uneconomical and attempts to provide observer coverage when possible, but cannot guarantee this due to other priorities in other fisheries. Some applicants have suggested using electronic monitoring in lieu of observers, but have not indicated who would fund the video system, review process, and video and data storage. As part of re-imagining the EFP program, the Council, West Coast Region, and the WCGOP should discuss whether federally funded observers should be used on EFP trips more broadly, and how to decide what level of potential benefits to the fishery justify the investment of federally funded observers.

Background Checks

The GMT also notes that EFP applicants must pass background checks and not have any fishery violations to be approved. We expect the NMFS EFP approval process to continue to address this requirement, as needed.